

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 1:15-cv-00226-FDW

RICHARD BURNHAM,

Plaintiff,

vs.

CAROLYN COLVIN,

Acting Commissioner of Social Security,

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Consent Motion for Attorney's Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Doc. No. 15). For the reasons stated in the uncontested motion, it is GRANTED.

On June 21, 2016, the Court remanded this case for further administrative proceedings. (Doc. No. 13). Pursuant to the ruling in Shalala v. Schaefer, Plaintiff is the prevailing party by virtue of the remand. 509 U.S. 292, 300-02 (1993). Under the Equal Access for Justice Act ("EAJA"), the court has the power to award fees to a prevailing party, other than the United States, incurred by that party in a civil action against the United States. 28 U.S.C. § 2412(d)(1)(A); see also Pierce v. Underwood, 487 U.S. 552, 565 (1988) (finding that the court will award attorney's fees unless it finds that the United States was "substantially justified").

Plaintiff filed the Consent Motion on July 12, 2016. It appears that the parties have agreed that the Commissioner of Social Security should pay in the sum of \$4,900.00 in attorney's fees arising under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). (Doc. No. 15-3).

Further, the parties appear to agree that the Treasury Judgment Fund reimburse Plaintiff's counsel for the \$400.00 filing fee. Id.

It is therefore ORDERED that the Consent Motion (Doc. No. 15) is GRANTED. The Commissioner of Social Security shall pay to Plaintiff the sum of \$4,900.00 in attorney's fees and \$400 in costs for a total of \$5,300.00.

IT IS SO ORDERED.

Signed: August 3, 2016

A handwritten signature in black ink, reading "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

